

III. Remarks

Claims 7, 11 and 16-46 are pending herein.

Claims 1-6, 8-10 and 12-15 have been canceled without prejudice or disclaimer.

Claims 7, 11 and 16 have been amended.

Claim 17 has been maintained in its original form.

Claims 18-46 have been added.

Reconsideration of claims 7, 11 and 16-46 in light of these amendments and the following remarks is respectfully requested.

Claim Objections

Claims 7 and 11

Claims 7 and 11 stand objected to as being dependent upon a rejected base claim, and as being dependent upon a base claim having informalities.

Claim 7 has been rewritten in independent form and includes all of the limitations of canceled base claim 1 and canceled intervening claims 5 and 6, and further includes all of the corrections provided by the Examiner to cure the informalities in canceled base claim 1. Claim 11 has likewise been rewritten in independent form and includes all of the limitations of canceled base claim 1 and canceled intervening claim 9, and further includes all of the corrections provided by the Examiner to cure the informalities in canceled base claim 1.

As claims 7 and 11 have been placed in independent form including all of the limitations of the base claim and any intervening claims from which they depended, respectively, and further including corrections to all of the informalities of the base claim, it is respectfully requested that the objection to claims 7 and 11 be withdrawn.

Claims 16 and 17

Claims 16 and 17 stand objected to because of informalities in claim 16.

Claim 16 has been amended and includes all of the corrections provided by the Examiner to cure the previous informalities. Thus, it is respectfully requested that the objection to claim 16 be withdrawn.

Claim 17 depends from and includes the subject matter of independent claim 16. Therefore, it is respectfully requested that the objection to claim 17 be withdrawn.

Rejections Under 35 U.S.C. §102(a)

Claims 1-6, 8-10 and 12-15

Claims 1-6, 8-10 and 12-15 stand rejected under 35 U.S.C. §102(a) as being anticipated by Applicant's Admitted Prior Art (AAPA). Claims 1-6, 8-10 and 12-15 have been canceled without prejudice or disclaimer and this rejection is therefore moot.

New Claims

Independent Claim 18

New claim 18 distinguishes over the AAPA applied in the present Office action and is allowable for the following reasons.

Claim 18 recites a method for recycling a rail, the method comprising providing the rail, slitting the rail generally in half to separate the rail generally into a first half and a second half, and deforming the first and second halves.

The PTO provides in MPEP §2131 that:

"[t]o anticipate a claim, the reference must teach every element of the claim."

Therefore, to support the rejection with respect to claim 18, the AAPA must contain all of the above-noted elements of the claim. However, the AAPA does not teach, suggest or motivate a method for recycling a rail, the method comprising providing the rail, slitting the rail generally in half to separate the rail generally into a first half and a second half, and deforming the first and second halves, as claimed in claim 18.

For the foregoing reasons, it is respectfully submitted that claim 18 distinguishes patentably from the AAPA applied in the present Office action and is therefore in condition for allowance.

New dependent claims 19-26 depend from, and further limit, independent claim 18 in a patentable sense and therefore are allowable as well.

Independent Claim 27

New claim 27 distinguishes over the AAPA applied in the present Office action and is allowable for the following reasons.

Claim 27 recites a method for recycling a rail, the method comprising providing the rail, slitting the rail to separate the rail into only two pieces and deforming the two pieces.

As noted above, a reference must teach every element of a claim for the reference to anticipate the claim. However, the AAPA does not teach, suggest or motivate a method for recycling a rail, the method comprising providing the rail, slitting the rail to separate the rail into only two pieces and deforming the two pieces, as claimed in claim 27.

For the foregoing reasons, it is respectfully submitted that claim 27 distinguishes patentably from the AAPA applied in the present Office action and is therefore in condition for allowance.

New dependent claims 28-35 depend from, and further limit, independent claim 27 in a patentable sense and therefore are allowable as well.

Independent Claim 36

New claim 36 distinguishes over the AAPA applied in the present Office action and is allowable for the following reasons.

Claim 36 recites a method for recycling a rail comprising at least one void extending generally therethrough, the method comprising providing the rail, slitting the rail across the at least one void to separate the rail into first and second pieces and deforming the first and second pieces.

As noted above, a reference must teach every element of a claim for the reference to anticipate the claim. However, the AAPA does not teach, suggest or motivate a method for recycling a rail comprising at least one opening formed therein, the method comprising providing the rail, slitting the rail across the at least one opening to separate the rail into first and second pieces and deforming the first and second pieces, as claimed in claim 36.

For the foregoing reasons, it is respectfully submitted that claim 36 distinguishes patentably from the AAPA applied in the present Office action and is therefore in condition for allowance.

New dependent claims 37-46 depend from, and further limit, independent claim 36 in a patentable sense and therefore are allowable as well.

Conclusion

It is believed that all matters set forth in the present Office action have been addressed. Applicant has made a diligent effort to advance the prosecution of this application by canceling claims 1-6, 8-10 and 12-15, amending claims 7, 11 and 16, and adding claims 18-46.

In view of all of the above, the allowance of claims 7, 11 and 16-46 is respectfully requested.

The Examiner is invited to call the undersigned at the below-listed telephone number if a telephone conference would expedite or aid the prosecution and examination of this application.

Respectfully submitted,



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